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OF INDEPENDENCE TO COLONIAL
COUNTRIES AND PEOPLES

AMERICAN SAMOA

Working paper prepared by the Secretariat

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AMERICAN SAMOA 1/

I. GENERAL

A. Introduction

1. American Samoa is located in the South Pacific approximately 3,700 kilometres south-west of Hawaii and 4,350 kilometres north-east of Australia. It consists of six islands (Tutuila, Aunuu, Ofu, Olosega, Tau and Rose) belonging to the Samoan group. Swains Island, 340 kilometres north of Tutuila, is administered as an integral part of American Samoa. The total land area of the Territory is 197 square kilometres. Lying near the equator between latitudes 13 and 16 south, American Samoa has a typical tropical climate with a wet and a dry season. Pago Pago, the capital, is located on Tutuila, the largest of the islands, where 90 per cent of the population lives.

2. The Samoan Islands are believed to have been inhabited by Polynesian peoples for about 3,000 years. By 600 B.C. a settlement had been established on Tutuila that may have been the jumping-off point for colonizing Tahiti and the Marquesas, about 300 A.D. The Samoans also maintained regular contact by canoe with Tonga and Fiji. Europeans first visited the Samoan archipelago in the 1700s, but foreign Governments did not make contact with the local chiefs until the early nineteenth century. Soon after, the United States of America, Great Britain and Germany came to dominate the economic life of the islands, appointing consuls to Apia, in what is now Western Samoa, between 1847 and 1861.

3. In 1899, a Tripartite Treaty was signed in Berlin dividing the Samoan archipelago into spheres of influence. Germany received all the islands west of the 171st meridian (now the independent State of Western Samoa) and the United States, the islands east of that meridian. Great Britain agreed to relinquish its interests in the Samoas in exchange for sole authority over the Solomon Islands, Niue and Tonga.

4. In April 1900, the Samoan high chiefs formally ceded the islands of Tutuila and Aunuu to the United States, and in July 1904 the cession was expanded to include Ofu, Olosega, Tau and Rose. Swains Island was annexed in 1925. The islands officially became a United States Territory on 29 February 1929.

B. Population

5. According to the official 1990 census, the population was 46,638 persons, whereas 10 years earlier it had been approximately 32,000. Over 90 per cent of the residents of the Territory are ethnically Samoan, including about 10,000 Western Samoan nationals. The balance of the population is made up of Caucasians (2.5 per cent), neighbouring islanders from Tonga, Tokelau and Niue (3.5 per cent) and various other groups.

6. More American Samoans live in the United States than in the Territory. It is estimated that some 65,000 live in California and in the State of Washington and 20,000 in Hawaii. 2/

7. Anyone born in American Samoa is a United States national and entitled to a modified United States passport. The only substantial legal difference between a citizen and a national is that the latter cannot vote in United States elections. However, nationals can normally acquire United States citizenship without difficulty.

8. The American Samoan way of life is structured around a social system of clans or extended families (aiga) and their chiefs (matais). A village may comprise several related families. The matai is chosen by the family members and is responsible for the well-being of the aiga, the maintenance of family lands and the communal economy, which still prevails in village life. Samoan and English are spoken throughout the Territory and most American Samoans are bilingual.

II. CONSTITUTIONAL AND POLITICAL DEVELOPMENTS

A. General

9. American Samoa became an unincorporated Territory of the United States pursuant to a joint congressional resolution of 20 February 1929 which vested control in the President of the United States. By an executive order issued in 1951, the President placed the administration of the Territory under the Secretary of the Interior. The Territory's first Constitution came into effect in October 1960 and was revised in 1967 and subsequently amended in 1970 and 1977. Since the mid-1980s, constitutional amendments can be made only by the people themselves.

10. In November 1986, voters in American Samoa, by a two-to-one majority, rejected changes to the Constitution recommended by a constitutional review committee. 3/ The proposed changes related, inter alia, to enlarging the membership of the territorial legislature, qualifications for elected officials, impeachment, and judicial reconstruction.

11. Since 1981, American Samoa has elected by universal adult suffrage a non-voting delegate to the United States House of Representatives. The current delegate, Mr. Eni F. H. Faleomavaega, was re-elected in November 1990.

12. In 1984, American Samoans participated for the first time as voting delegates at the Democratic National Convention. The Republican Party of American Samoa, which was organized in 1985, participated in the Republican National Convention for the first time in 1988.

B. Government

13. The Constitution provides for three branches of Government.

Executive

14. The executive branch consists of a Governor and a Lieutenant-Governor elected for four years by universal adult suffrage. The current Governor, Mr. Peter Tali Coleman, was elected in 1988 concurrently with the Lieutenant-Governor, Mr. Galea'i Poumele. Under the Constitution, the Governor is responsible for executing those United States laws and portions of the United States Constitution applicable to American Samoa, as well as the American Samoan code and executive rules. He has general supervision of all operations within the Territory.

Legislature

15. The bicameral legislature, known as the Fono, is comprised of a Senate and a House of Representatives which enjoy identical powers. The Fono may pass laws with respect to all local affairs, provided they are not inconsistent with United States laws in force in the Territory or with United States treaties or international agreements. The legislature holds two 45-day sessions annually.

16. The Senate comprises 18 members who are elected every four years from among the matais by the councils (fonos) in the 14 counties or groups of villages, in accordance with local custom.

17. The House of Representatives is composed of 20 members elected for two-year terms by universal adult suffrage. There is also one non-voting member from Swains Island, who is elected at an open meeting by the permanent adult population of the island.

18. A majority of both houses voting together is required for passage of a bill. The legislature may appropriate funds raised from local revenues and make recommendations regarding the annual budget prepared by the Governor, including requests for federal funds.

Judiciary

19. The judiciary consists of a high court with jurisdiction throughout the Territory, a district court and several village courts. There are three divisions of the High Court: (a) appellate, (b) trial and (c) land and title. Since American Samoa is not within a federal judicial district or circuit, there are no statutory provisions for appealing decisions of the High Court.

20. The Chief Justice and the Associate Justice of the High Court are appointed by the United States Secretary of the Interior. The Lands and Title Division of the High Court adjudicates claims to traditional matai titles and

property-boundary disputes. The United States civil and criminal codes, augmented by such local laws and regulations as are enacted by the territorial legislature, constitute the law adjudicated in the courts. The current Chief Justice, Mr. Michael Kruse, who was appointed in November 1988, is the first American Samoan to hold that position. Associate judges of the High Court and the District Court judge are appointed by the Governor on the recommendation of the Chief Justice; their appointments are subject to confirmation by the territorial Senate.

21. The Office of the Public Defender provides legal representation to those unable to afford counsel in criminal, juvenile, traffic, immigration and mental-health commitment proceedings.

C. Future status of the Territory

22. In September 1979, the Second Temporary Future Political Status Study Commission, created by the Government of American Samoa, and comprised of local residents, recommended that the Territory should remain an unincorporated Territory of the United States but that the issue of its future political status should be reassessed in 10 to 15 years.

23. In September 1991, the Fono established a new Political Status and Contitutional Review Commission. On 13 January 1992, in his state-of-the-Territory address to the Fono, Governor Coleman noted that he was looking forward to working with the leadership of the Fono on the Political Status and Constitutional Review Commission. The Governor also expressed confidence that the United States "Congress will understand that, in keeping with the principles of self-government, the initiative and direction of any changes should come from the Territory - from people whose interests are at stake". 4/

24. The United Nations Visiting Mission to American Samoa of 1981 reported that elected and traditional leaders had expressed satisfaction with the existing political status of the Territory (see A/AC.109/679, paras. 348-351). The Mission said it seemed that the leaders' satisfaction with the status quo derived from the fact that the Territory was heavily dependent on economic and financial support from the United States as well as from their own attachment to the traditional social structure. During public discussions, the Mission found that, in general, people outside the political leadership had very little knowledge of the implications of the political alternatives available to them.

Action taken by the General Assembly

25. On 11 December 1991, the General Assembly adopted resolution 46/68, an omnibus resolution on 10 Non-Self-Governing Territories, including American Samoa. In resolution 46/68 A, the Assembly, inter alia, called upon the administering Powers, in cooperation with the territorial Governments, to facilitate programmes of political education in the Territories in order to foster an awareness among the people of the possibilities open to them in the

exercise of their right to self-determination, in conformity with the legitimate political status options clearly defined in resolution 1514 (XV) of 14 December 1960. The Assembly also reiterated that it was the responsibility of the administering Powers to create such conditions in the Territories as would enable their peoples to exercise freely and without interference their inalienable right to self-determination and independence. In resolution 46/68 B, section I, on American Samoa, the Assembly, inter alia, called upon the administering Power, in cooperation with the territorial Government, to promote the economic and social development of the Territory, to reduce its heavy economic and financial dependence on the United States and to take measures to create more employment opportunities for the people of the Territory.

D. Public service

26. According to the American Samoa Statistical Digest, 1990, the Government of American Samoa continued to be one of the largest employers in the Territory, accounting for 4,299 persons or some 32 per cent of the employed labour force, most of whom are American Samoan. The public service workers provide police protection, sanitation, health, social and administrative services, cultural and recreation services, education, public works, power, water, roads and port facilities.

E. Regional cooperation

27. American Samoa is a member of 14 regional organizations, including the South Pacific Commission (SPC), the Pacific Basin Development Council, the Pacific Tuna Development Foundation, the Pacific Islands Association, the Asian-South Pacific Bureau of Adult Education, the Pacific Asia Travel Association, the South Pacific Regional Environment Programme and the Council of Pacific Arts. It also belongs to such United States organizations as the National and Western Governors' Conferences. The Government of American Samoa has signed memoranda of understanding with the Governments of Western Samoa and Tonga on mutual economic cooperation and has sent trade missions to a number of countries in the Pacific region.

28. In August 1991, American Samoa, together with Guam and the United States Virgin Islands, established the Alliance of Dependent Territories, an organization composed of Non-Self-Governing Territories administered by the United States which seeks to promote friendly relations and economic and technical cooperation among its members. The Alliance will also endeavour to obtain observer status in the United Nations General Assembly.

III. ECONOMIC CONDITIONS

A. General

29. American Samoa suffers from the same economic constraints, such as geographical isolation and scarce resources, common to many island societies in the South Pacific. Its economy is very dependent on the tuna canning industry. Prospects for agricultural development are rather limited and, with respect to other industries, only tourism offers good potential for growth.

30. In addition, in December 1991, American Samoa was severely damaged by cyclone Val. This storm destroyed or greatly damaged a large number of public facilities and left thousands of people homeless. It will be recalled that in February 1990, the Territory had also been struck by cyclone Ofa. Currently, American Samoa is receiving assistance from the Department of the Interior and other federal agencies, including the Federal Emergency Management Agency (FEMA), for the repair of the damage caused by these two natural disasters.

31. In 1989, the latest year for which official government figures are available, exports amounted to $307 million and imports totalled $377 million, resulting in a negative trade balance of approximately $70 million. 5/ By far the largest trading partner of American Samoa is the United States, followed by Australia, Japan, New Zealand and Fiji. Most imports consisted of food products, fuel and oil, machine parts, building materials, textiles and clothing; about 97 per cent of the exports were canned tuna to the United States.

32. The United States Tariff Code offers preferential treatment to American Samoa in order to stimulate industrial development in the Territory. American Samoa is also eligible for favourable duty treatment under the generalized system of preferences of Australia, Japan, New Zealand and the United States.

B. Public finance

33. Total government revenue for fiscal year 1990/91 amounted to $127,094,000. Of that total, $46 million came from revenues generated locally, $80 million from a number of federal grants and $1,700,000 from other financing sources. 2/

34. For a number of years the Territory has had a budget deficit largely attributable to shortfalls in estimated corporate taxes and, more recently, owing to expenses incurred in the reconstruction of public facilities destroyed by the cyclones. In February 1992, in a statement delivered before the Subcommittee on Insular and International Affairs of the United States Congress, Governor Coleman noted that the Department of the Interior's contribution to the basic operational budget of the Territory had declined by over 15 per cent from 1987 to 1992.

C. Land tenure and agriculture

35. Land in American Samoa is classified into the following five main categories: freehold land or that which was acquired by individuals before 1900 through grants issued by the Supreme Court of Samoa and has no restrictions on transfer of title or lease tenure (15 per cent); government land, which comprises land transferred by the Department of the Interior to the territorial Government, land acquired by the Government through condemnation and reclaimed land (23.5 per cent); church-owned land (14.3 per cent); communal land, which is subject to the native land tenure system (23.6 per cent); and individually owned land, acquired either by court grant after 1900 or through the transfer of communal land with the approval of the Governor (23.6 per cent).

36. Land is the traditional basis for family organization. Under the Samoan Land Tenure Act, all land except freehold land is inalienable to any person who is less than one half American Samoan. Without written approval from the Governor, it is unlawful for any matai (chief) to alienate any family lands or to lease such lands for more than 55 years.

37. Most land is underdeveloped because it is either steeply sloping or heavily forested. Only 5,000 hectares are suitable for agriculture.

38. Owing to the shortage of cultivable land, agricultural production is very limited and is reported to be gradually but steadily decreasing as people shift to non-agricultural activities. Almost all the output, 85 per cent according to the most recent data, is produced on small family plots for home consumption. The most widely grown crops are taro, coconut, breadfruit and bananas.

39. Commercial farming consists of mixed operations producing poultry, livestock and crops.

D. Fishing industry

Tuna processing

40. American Samoa's tuna-processing industry, which is the fourth largest in the world, accounts for approximately 20 per cent of total United States tuna production. An Indonesian-owned company, the Van Camp Sea Food Company, and a United States-owned company, Star Kist Samoa, Inc. (H. J. Heinz), operate two large-scale tuna canneries at Pago Pago supplied by both Asian and United States vessels, as well as by a local fleet.

41. According to the American Samoa Statistical Digest, 1990, the two canneries provide 33 per cent of the total employment in the Territory and contribute the bulk of local tax revenues.

42. In 1990, the canneries were fined a total of $250,000 for violating the American Samoa Environmental Act, specifically for polluting the waters of Pago Pago harbour. Both canneries have since agreed to treat waste from their operations and then transport it by barge to a designated dumping site 8 kilometres out to sea.

Local fishing

43. In 1989, the last year for which information is available, there were 47 local fishing boats, employing 94 fishermen. The total catch for the year was 136,909 kilograms, an increase of 0.3 per cent over the 1988 total catch. The methods used for fishing were trolling (63 per cent), spear fishing (18 per cent), a combination of trolling and bottom fishing (11 per cent) and bottom fishing (8 per cent).

E. Manufacturing and other businesses

44. Apart from the two tuna canneries, industrial activities in American Samoa are mostly small and service-oriented. In 1989, there were 1,591 registered businesses in the Territory. Retail trade accounted for 36 per cent of the total while transport and public utilities accounted for 16 per cent. The remaining industrial activities involved mainly construction, manufacturing, wholesale trade and finance and insurance operations. Since 1987, a number of small factories processing soap, perfume and alcohol have been opened.

45. Efforts to attract new industry to the Territory include tax cuts, import-duty concessions and special lease rates at a large government industrial park located near the airport.

F. Transport and communications

Road

46. There are approximately 150 kilometres of paved roads and 200 kilometres of secondary roads, on both of which non-scheduled commercial buses operate. In 1989, there were 4,679 registered vehicles, about 89 per cent of which were privately owned.

Sea

47. Several shipping companies provide regular service connecting Pago Pago to Asia, elsewhere in the South Pacific and the United States mainland. There is a daily inter-island cargo service and regular ferry service between American Samoa and Western Samoa. Swains Island is accessible only by boat. Rose Atoll can be visited only by permit since it is a National Wildlife Refuge.

48. Pago Pago has one of the best and most scenic all-weather deep harbours in the Pacific. For a number of years the territorial Government has been developing this harbour as a regional centre for the transshipment and distribution of goods. Western Samoa, Tonga and the Cook Islands currently ship much of their merchandise through Pago Pago harbour. In order to expedite the movement of containers through the harbour, the Government has asked for funds from the United States to resurface the container yard and the surrounding support areas.

49. In 1989, a total of 1,080 vessels docked in territorial waters. About 42 per cent of these vessels were fishing boats, 18 per cent were yachts, 16 per cent were local boats, 14 per cent were freighters and the remaining 10 per cent were varied.

Air

50. Pago Pago International Airport is regularly served by a number of airlines which link American Samoa with Hawaii and the United States mainland, as well as with Australia, New Zealand and other countries in the South Pacific. The airport has two paved runways, 2,743 and 1,829 metres long. There are smaller airstrips on the islands of Ofu and Tau.

Radio, television and telephone links

51. The Territory has one television and two radio stations, including a public network. It regularly receives from the United States live broadcasts of the Armed Forces Radio and Television Service as well as the Cable News Network. Both radio stations broadcast in English and Samoan, one around the clock and the other for 18 hours a day.

52. American Samoa, through the overseas Communications Satellite corporate link, has direct dialling to most countries. In 1989, the Territory had 8,276 telephones as well as 46 telex and 165 facsimile subscribers.

Newspapers

53. There are several weekly newspapers in the Territory in both the English and the Samoan languages. The Samoa News and the Journal are the most widely read English-language newspapers.

G. Tourism

54. Despite the Government's efforts to encourage tourism, this industry remains relatively small. In 1989, approximately 8,400 tourists visited the Territory, compared with 10,129 in 1988. About 42 per cent of them came from the United States, 39 per cent from Australia and New Zealand, 10 per cent from Europe and the remainder from a number of other countries. There are five hotels and motels in the Territory. The Government is the majority shareholder of the main hotel, which has 181 rooms.

H. Financial institutions

55. The Amerika Samoa Bank and a branch of the Bank of Hawaii Federal Credit Union offer complete commercial banking services. The Development Bank of American Samoa, a non-commercial enterprise owned by the Government, issues guarantees and loans for development projects.

I. Assistance from the United Nations system

56. American Samoa belongs to various regional bodies of the United Nations system, including the World Health Organization (WHO) Regional Office for the Western Pacific and the WHO Western Pacific Regional Centre for the Promotion of Environmental Planning and Applied Studies. In 1988, the Territory became an associate member of the Economic and Social Commission for Asia and the Pacific (ESCAP).

IV. SOCIAL CONDITIONS

A. Labour

57. The labour force in the Territory has been steadily increasing since 1980. It is currently estimated at about 13,520 workers. The two largest employers are the Government and the two canneries, which together provide approximately 75 per cent of the jobs in American Samoa. At the end of 1989, the estimated unemployment rate was 8.2 per cent.

58. Approximately one third of the labour force consists of Western Samoans; there are also small numbers of Tongans, Koreans, Japanese, Chinese and United States citizens working in the Territory. The shortage of well-paying jobs in American Samoa leads many young people to emigrate to Hawaii and the United States mainland, where they have free access to the job market. Their place is often filled by non-nationals, mostly from Western Samoa.

59. American Samoa is the only United States Territory where employers are allowed to pay workers less than the mainland minimum wage. According to the administering Power, in January 1991, the labour committee decided to set minimum government wages at $2.13 per hour. For the workers at the tuna canneries, the rate was set at $2.87 and would rise to $2.92 after one year. Minimum wages for other industries were to increase by 4 per cent in 1991 and by another 4 per cent after one year.

60. The wage income distribution data for 1985 indicate that 5 per cent of the total labour force earned less than $1,000 annually; 35 per cent, $1,000 to $4,999; 37 per cent, $5,000 to $9,999; 10 per cent, $10,000 to $14,999; and the remaining 13 per cent, over $15,000.

B. Immigration

61. American Samoa has its own immigration laws and the requirements to enter the Territory are different from those in the United States.

62. In 1985, American Samoa set quotas to regulate the number of foreigners entering the Territory to work. The quotas allow the annual admission of 1,000 persons from Western Samoa and 400 from other areas. Sponsorship of immigrant workers is limited to American Samoans, United States citizens and nationals and licensed companies.

63. Also in 1985, an agreement was reached between Western Samoa and American Samoa to allow relatives to visit without visas. However, after abolition of the visa requirement, an estimated 3,000 Western Samoans overstayed their visits in American Samoa. Thus, in January 1986, restrictions were restored and Western Samoans must now obtain a visa specifying their length of stay in American Samoa.

C. Health and public safety

64. The main hospital in the Territory is the Lyndon Baines Johnson (LBJ) Tropical Medical Center with 140 beds. Medical, dental and pharmaceutical services are available 24 hours a day at minimal cost to residents and visitors. The LBJ Medical Center has a staff of approximately 25 physicians (1 family practitioner, 8 general practitioners, 5 paediatricians, 1 internist, 4 surgeons and 4 obstetricians/gynaecologists). 2/ Medical care is provided free to American Samoans requiring off-island treatment, including hospitalization in Guam, Hawaii or the United States mainland.

65. The Department of Health operates dispensaries throughout the Territory.

66. In 1989, the leading causes of death were malignant neoplasms and heart diseases. Influenza accounted for almost 87 per cent of all communicable diseases.

67. The LBJ Medical Center suffered some structural damage from cyclone Ofa in February 1990 and cyclone Val in December 1991. It is estimated that the repairs to the structure and to the roof of this facility will amount to $1 million. The Government has plans to build a new hospital eventually.

68. In January 1987, a Governor's council against drugs was established to mobilize the community, business and Government in coordinating efforts to eradicate drug use. A drug-control programme was then started with the joint cooperation of the departments of public safety, customs and human resources and the LBJ Medical Center.

69. In 1989, a total of 1,980 minor criminal offences were reported to the police, an increase of 1 per cent over 1988. The most common offences were disorderly conduct, assault, larceny/theft, property damage and burglary.

D. Housing

70. Cyclone Val, which hit American Samoa with great intensity, destroyed or severely damaged thousands of family dwellings and many public facilities. The Government of the Territory is currently receiving assistance from the United States and a number of other countries to reconstruct or repair many of the homes and businesses which were ruined by this natural disaster.

71. American Samoa has access to federal housing programmes and grants administered by the United States Department of Housing and Urban Development. The territorial Government has the authority to issue tax-exempt industrial development bonds up to a value of $5 million.

72. In 1990, the Development Bank of American Samoa disbursed $3.8 million for home improvements and new homes. In his state of the Territory address in February 1991, the Governor noted that this bank was negotiating a $50 million loan which would fund 900 to 1,000 new homes. A total of 380 land use and building permits were issued in 1989.

73. It is estimated that only two thirds of the population of the Territory is served by the Government's central water system. The remainder is dependent on village-based systems which often lack basic sanitary conditions.

74. In 1990, the Pala Lagoon (waste water) system and the Pago Pago harbour sewer system were rehabilitated at a cost of $8.7 million. In addition, the sum of $3.5 million was allocated to the American Samoa Power Authority to begin a five-year plan of improvements to the electrical power and water systems.

V. EDUCATIONAL CONDITIONS

75. The education system in American Samoa is broadly based on the United States pattern of eight years' attendance at elementary school and four years' enrolment at a high school. Education is free and compulsory for children between the ages of 6 and 18 years. In 1991, there were a total of 132 private and public educational institutions, with a total enrolment of 14,636 students. About 67 per cent of these students were American Samoans, 20 per cent Western Samoans, 9 per cent United States citizens and the remainder Tongan and other nationalities.

76. American Samoa Community College, established in 1970, offers two-year degree courses in arts and sciences. It also offers certificate-of-proficiency programmes in vocational, business, clerical and nursing curricula. In 1985, the college began a one-year certificate programme in agriculture, with specialities in crop production and cattle-raising. Programmes in Pacific studies and computer science were also added to the curriculum through a grant from the United States Federal Government. At the end of 1991, the College had 1,108 students.

Notes

1/ The information contained in the present paper has been derived from published records and from information transmitted to the Secretary-General by the Government of the United States of America under Article 73 e of the Charter of the United Nations on 7 April 1992 for the year ending 30 September 1991.

2/ United States Department of the Interior, Fact Sheet, August 1991.

3/ Pacific Islands Monthly, April 1987.

4/ Samoa News, 14 January 1992.

5/ American Samoa Statistical Digest, 1990, p. 156.